

## NINETY-SIXTH LEGISLATURE

## FIRST SESSION

**LEGISLATIVE RESOLUTION 45**

Introduced by C. Peterson, 35; Schmitt, 41; Hilgert, 7; Tyson, 19

PURPOSE: To examine and seek to determine the appropriate administrative structure for the oversight and operation of the Nebraska veterans homes with respect to the adoption of LB 530 (1995). The resolution shall systematically examine the effect that the existing structure has on the satisfactory delivery of services and the efficient use of resources and shall include, among other things, issues regarding quality of care and accountability of the Nebraska veterans homes to veterans and their families.

LB 530 was adopted in 1995 and changed the provisions of sections 81-1108.15 and related sections of law which provide, with certain exceptions, for central administration, operation, and maintenance of state facilities by the state building division of the Department of Administrative Services. The plan adopted in LB 530 called for the maintenance departments at the veterans homes in Grand Island and Scottsbluff to shift over on July 1, 1998. Currently, it is planned that the Department of Administrative Services will assume these responsibilities for the Norfolk Veterans' Home in 1999-00 and the Thomas Fitzgerald Veterans' Home in Omaha in the 2001-03 biennium.

This study should include the following elements:

(1) An examination of the costs and other factors that determine maintenance and administrative responsibilities. The centralization of facility maintenance allows the state building division to utilize regional facility managers as opposed to requiring a facility manager at each building site. Currently, a regional facility manager's time is allocated proportionally to ten facilities in this region which includes the two veterans homes in Grand Island and Scottsbluff;

(2) Review all issues and policies which underlie the present statutory organization of the veterans' homes to determine whether or not veterans homes should be excluded from state building division oversight due to their inclusion resulting in a hardship due to exceptional and unusual circumstances. Exemptions were provided to the University of Nebraska, the state colleges, the Board of Educational Lands and Funds, the Department of Roads, and the Game and Parks Commission in LB 530;

(3) The Department of Health and Human Services currently pays the state building division to administer, operate, and maintain these two facilities. An examination shall be conducted regarding how and why priorities for maintenance at the veterans homes, which can change on an hourly basis, differ from those agencies which were exempted in LB 530; whether the administrator, who is licensed and legally responsible for the total care of the members of the facility, should have the flexibility to shift priorities according to the current needs of the facility; and whether portions of that care can be assigned to other individuals;

(4) Determine initial and continuing eligibility for licensure and certification requirements regarding an

administrator's license to ensure compliance with federal and state law and to provide oversight and consistency while providing for quality assurance; what legal ramifications exist regarding liability; and whether the administrator or the Department of Administrative Services accepts full legal responsibility for the facility;

(5) Consideration of the fact that veterans homes are twenty-four hour facilities and require different considerations regarding the nature of economic efficiencies; and

(6) Determine the impact regarding current law which authorizes the state building division to assess a depreciation charge for facilities that it administers. Funds accumulated as the result of assessment of the depreciation charge are authorized to be expended to accomplish building renewal projects as described in the Deferred Building Renewal Act. Under current law, veterans homes administered by the division would be subject to this depreciation charge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That, in conjunction with the Government, Military and Veterans Affairs Committee, individuals representing the state building division, the budget division, the Department of Health and Human Services Regulation and Licensure, the veterans homes, the Task Force for Building Renewal, all interested members of the Legislature, and members of the public shall participate and assist

the committee in its findings.

3. That the committee shall conduct public hearings across the state and at least one public hearing shall be held at each of the four veterans homes located in Grand Island, Scottsbluff, Norfolk, and Omaha, providing an opportunity for public comment and discussion with all employees and residents regarding their concerns with the current administrative structure at each of the facilities.

4. That the committee shall, upon the conclusion of its study, submit a written report of its findings, including all transcripts of public hearings held across the state in each of the four veterans homes, together with its recommendations, to the Legislative Council or Legislature.

5. That the Government, Military and Veterans Affairs Committee shall conduct a review of LB 193 (1999), in order to amend or prepare for reintroduction in the next legislative session.

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PRESIDENT OF THE LEGISLATURE

I, Patrick J. O'Donnell, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 45, which was passed by the Legislature of Nebraska in the Ninety-sixth Legislature, First Session, on the XXXX(words)XXXX day of March 1999.

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CLERK OF THE LEGISLATURE